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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/781,107 | 02/08/2001 | Matthew J. Murnaghan | 034300-140 | 2971 |

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ROBERT E. KREBS
THELEN, REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

EXAMINER

EWART, JAMES D

| ART UNIT | PAPER NUMBER |
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2683

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/781,107 | Applicant(s) MURNAGHAN ET AL. | |
| | Examiner James D. Ewart | Art Unit 2683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment dated 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 & 17-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 27 October 2005 have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 and 17-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (U.S. Patent No. 6,516,202) in view of May (U.S. Patent No. 5,043,721).

Referring to claims 1 and 36, Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a modem within the housing where the modem is adapted to provide communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant via an interface (Column 2, Line 48- Column 3, Line 22), and logic in the housing adapted to check for message notifications and provide them to the PDA unit (Column 7, Lines 29-35), but does not teach that the logic may check for messages independent of the established communication link, said logic being capable of operation while the PDA is mated to the housing and is running a separate application. May teaches that the logic may check for messages

Application/Control Number: 09/781,107

Art Unit: 2683

independent of the established communication link (Figures 1 & 2 and Column 1, Line 60 to Column 2, Line 1), said logic being capable of operation while the PDA is mated to the housing and is running a separate application (Column 1, Lines 21-25, Column 3, Lines 63-66 and Column 5, Lines 24-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would provide paging capability in a portable computing device (Column 1, Lines 40-41).

Referring to claims 2, 6-8, 19, 37: Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350.

Referring to claim 3, Hawkins discloses email.

Referring to claims 4, 39, Hawkins discloses a PDA, which is a hand-held data organizer.

Referring to claim 5, Hawkins discloses a battery (Column 4, Lines 37-46).

Referring to claims 9-13, 17, 41, 42, Hawkins discloses a multi-purpose indicator light (Column 3, Lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (Column 7, Lines 28-35). One of ordinary skill in the art would have found it obvious to use such indicators to provide standard functions such as transmit/receive, connection and server data.

Application/Control Number: 09/781,107

Art Unit: 2683

Referring to claim 14, while Hawkins in view of May fails to disclose PCMCIA card supporting CDPD or CDMA, Hawkins discloses that the invention may operate on a number of different systems (Column 2, Lines 40-47), and as such the examiner takes Official Notice of PCMCIA card supporting CDPD or CDMA, asserting that one of ordinary skill in the art would have found such a standard messaging system obvious.

Referring to claims 15, 22, 40: Hawkins discloses a microcontroller.

Referring to claims 18 and 24, May further teaches wherein the logic periodically checks for message notifications while the modem is in a powered down state (Column 5, Line 52-57 & 24-27 & 33-36).

Referring to claims 20, 21, 23, 43-45, the use of an ASIC, FPGA or other programmable logic would have been an obvious substitute for the DSP and microcontroller of Hawkins.

Referring to claims 25, 46, Hawkins discloses a detachable antenna 370.

Referring to claim 38, the invention of Hawkins in view of May would inherently provide the function of claim 38 in a situation where another application is in its idle state.

Referring to claims 26, 31-33, 35, Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a

Application/Control Number: 09/781,107

Art Unit: 2683

modem within the housing where the modem is adapted to provide communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant (Column 2, Line 48 – Column 3, Line 22), and logic in the housing adapted to check for message notifications and provide them to the PDA unit (Column 7, Lines 29-35), but does not teach that the logic may check for messages independent of the established communication link, said logic being capable of operation while the PDA is mated to the housing and is running a separate application and an indicator which is activated when the logic determines that the modem has received communications, said indicator operating independently of said established communication link. May teaches that the logic may check for messages independent of the established communication link (Figures 1 & 2 and Column 1, Line 60 to Column 2, Line 1), said logic being capable of operation while the PDA is mated to the housing and is running a separate application (Column 1, Lines 21-25, Column 3, Lines 63-66 and Column 5, Lines 24-44) and an indicator which is activated when the logic determines that the modem has received communications (Column 2, Lines 3-4), said indicator operating independently of said established communication link (Column 2, Lines 4-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would provide paging capability in a portable computing device (Column 1, Lines 40-41). Lastly, Hawkins discloses a multi-purpose indicator light (Column 3 Lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (Column 7, Lines 28-35). One of ordinary skill in the art would have found it obvious to use such indicators like an LED to provide standard functions such as transmit/receive, connection and server data.

Application/Control Number: 09/781,107

Art Unit: 2683

Referring to claims 27-29, Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350.

Referring to claim 30, Hawkins discloses a PDA, which is a hand-held data organizer.

Referring to claim 34, Hawkins discloses a detachable antenna 370.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ausems et al. U.S. Patent Publication No. 2001/0044321 discloses personal digital assistant with wireless telephone.

Barber et al. U.S. Patent No. 6,799,030 discloses method and apparatus for low power operation of an rf wireless modem.

Copper et al. U.S. Patent No. 6,052,442 discloses internet answering machine.

Glover U.S. Patent Publication No. 2003/0157961 discloses peripheral data entry device with integrated wireless modem.

Helferich U.S. Patent No. 7,003,304 discloses paging transceivers and methods for selectively retrieving messages.

Krishan et al. U.S. Patent No. 5,822,692 discloses data communication device.

Vanden Heuvel et al. U.S. Patent No. 5,281,962 discloses method and apparatus for automatic generation and notification of tag information corresponding to a received message.

Application/Control Number: 09/781,107

Art Unit: 2683

Weinzierl et al. U.S. Patent Publication No. 2001/0040561 discloses wireless portfolio system and device.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.



Ewart
March 7, 2006



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600